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**VIA ECF ONLY**

Hon. Sarah L. Cave, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Plaintiff's request (ECF No. 33) for an order compelling Defendants to meet and confer in accordance with Fed. R. Civ. P. 26(f) is DENIED without prejudice, in light of Defendants' representation that they "stand ready, willing and able" to do so. (ECF No. 35 at 2). The parties shall promptly meet and confer regarding discovery that can proceed while Defendants' motion to dismiss is pending and, by **September 29, 2023**, file their proposal(s).

The Clerk of Court is respectfully direct to close ECF No. 33.

SO ORDERED 9/15/2023



SARAH L. CAVE  
United States Magistrate Judge

**Re: *Patel v. Clane Gessel Studio et al.***  
**Case No. 22-cv-10964**

Dear Magistrate Judge Cave:

We are counsel for plaintiff Amit Patel ("Plaintiff" or "Patel") in the above-captioned matter. We write to the Court now in search of an order compelling defendants to meet and confer with this office in connection with Fed. R. Civ. P. ("Rules") 26(f). As explained below, and despite plaintiff's repeated efforts to engage defendants, defendants refuse to participate in a planning conference.

**Relevant Factual Background**

On August 10, 2023, this Court issued an order instructing the parties to advise whether they were willing to consent to conducting all further proceedings before Your Honor pursuant to 28 U.S.C. § 636(c). (ECF No. 31.) The parties in turn met and conferred via telephone on August 22, 2023 and later advised the Court on August 23, 2023 that they did not consent. (ECF No. 32.) During that same August 22nd call, the undersigned asked plaintiff to identify dates and times for the parties to conduct their Rule 26(f) conference. Counsel for plaintiff, Kyle Mitchell, agreed that he would do so and thereafter confirmed the same via email. (A copy of the parties' email correspondence dated August 22 and 23, 2023 is attached hereto as Exhibit 1.)

On August 29, 2023, having not heard from counsel for defendants despite his prior representation on August 23<sup>rd</sup> that proposed dates and times would follow before August 29th, this office again wrote to defendants. (A copy of the plaintiff's email to defendants dated August 29, 2023 is attached hereto as Exhibit 2.) This email was never responded to despite that it as well as plaintiff's email of August 22, 2023 were